

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

Case No.: 19-24755

MARISA KLEINOT

Judge: KAPLAN

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original

☒ Modified/Notice Required

Date: January 20, 2021

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER

CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**THE FOLLOWING MATTERS MAY BE OF PARTICULAR IMPORTANCE. DEBTORS MUST CHECK ONE BOX ON EACH LINE TO STATE WHETHER THE PLAN INCLUDES EACH OF THE FOLLOWING ITEMS. IF AN ITEM IS CHECKED AS "DOES NOT" OR IF BOTH BOXES ARE CHECKED, THE PROVISION WILL BE INEFFECTIVE IF SET OUT LATER IN THE PLAN.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST.  
SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: /s/ SDS

Initial Debtor: /s/ MK

Initial Co-Debtor: \_\_\_\_\_

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$548.00 per month to the Chapter 13 Trustee, starting on February 1, 2021 for approximately 68 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

\$7,000.00 paid in through January 31, 2021

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modifications with respect to mortgage encumbering property:

Description:

Proposed date for completion:

☐ Loan modifications with respect to mortgage encumbering property:

Description:

Proposed date for completion:

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

The plan is being modified pursuant to the Coronavirus Aid, relief, and Economic Security Act ("CARES Act") because I have experienced a material financial hardship directly due to the COVID-19 Pandemic. Specifically: Because of the Pandemic my children have had to attend school remotely which in turn has caused us to much increased child care expenses which will continue for some time. Without some relief I will not be able to meet all my monthly expenses.

**Part 2: Adequate Protection ☒ NONE**

- a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).
- b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
MINION & SHERMAN	Attorney's Fees	\$3,500.00 (balance of original retainer) + \$ 400.00 (estimated supplemental fees subject to court approval)

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:
- ☒ None
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence:** ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Wells Fargo Home Mortgage (1 <sup>st</sup> Mortgage)	10 Sandy Court Freehold, NJ 07728	\$4,253.66	n/a	\$4,253.66	As per terms of note and mortgage

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:** ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**c. Secured claims excluded from 11 U.S.C. 506:** ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan ☐ NONE**

The following secured claims are unaffected by the Plan:

PNC Bank (2<sup>nd</sup> Mortgage)

**g. Secured Claims to be Paid in Full Through the Plan: ☒ NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims** ☐ NONE

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$31,002 to be distributed *pro rata*  
☐ Not less than \_\_\_\_\_ percent  
☐ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases** ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions** ☒ NONE

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

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**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Attorney's Fees
- 3) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☐ NONE**

**NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 7/12/2019



Explain below **why** the plan is being modified:

The plan is being modified because Debtor has experienced a material financial hardship directly due to the COVID-19 Pandemic. See Part 1.e of plan.

Explain below **how** the plan is being modified:

The plan is being modified to extend plan by 2 years for a total of 7 years.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true

Date: 1/20/2021

/s/ Scott D. Sherman  
Attorney for the Debtor

Date: 1/20/2021

/s/ Marisa Kleinot  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

In re:  
Marisa D Kleinot  
Debtor

Case No. 19-24755-MBK  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin

Page 1 of 3

Date Rcvd: Jan 20, 2021

Form ID: pdf901

Total Noticed: 30

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 22, 2021:

Recip ID	Recipient Name and Address
db	+ Marisa D Kleinot, 10 Sandy Court, Freehold, NJ 07728-2933
cr	+ United Teletech Financial Federal Credit Union, McKenna, DuPont, Higgins & Stone, PO Box 610, 229 Broad Street, Red Bank, NJ 07701-2009
cr	+ WELLS FARGO BANK, N.A., Phelan Hallinan & Schmieg, PC, 1617 JFK Boulevard, Suite 1400, Philadelphia, PA 19103-1814
518411198	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
518379350	+ Amex, Correspondence/Bankruptcy, Po Box 981540, El Paso, TX 79998-1540
518379353	++ DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2222 address filed with court:, Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
518379355	+ Foster, Garbus & Garbus, 60 Motor Parkway, Commack, NY 11725-5710
518379358	+ United Teletech Fin Fc, 205 Hance Ave, Tinton Falls, NJ 07724-2764
518379359	+ Wells Fargo Bank NA, Attn: Bankruptcy, 1 Home Campus Mac X2303-01a, Des Moines, IA 50328-0001
518482267	Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
518444032	Wells Fargo Bank, N.A., Attn: Default Document Processing, MAC# N9286-01Y, 1000 Blue Gentian Road, Eagan, MN 55121-7700
518431967	+ Wells Fargo Bank, N.A., Small Business Lending Division, P.O. Box 29482, Phoenix, AZ 85038-9482
518379360	+ Wells Fargo Home Mortgage, Attn: Bankruptcy Dept, P.O. Box 10335, Des Moines, IA 50306-0335

TOTAL: 13

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Jan 20 2021 23:01:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	Jan 20 2021 23:01:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
518493053	Email/PDF: resurgentbknofications@resurgent.com	Jan 20 2021 22:47:38	CACH, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
518379352	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Jan 20 2021 23:01:00	Comenitybank/New York, Attn: Bankruptcy, Po Box 18215, Columbus, OH 43218
518379354	Email/Text: mrdiscen@discover.com	Jan 20 2021 22:59:00	Discover Financial, Attn: Bankruptcy Department, Po Box 15316, Wilmington, DE 19850
518492113	Email/Text: bnc-quantum@quantum3group.com	Jan 20 2021 23:01:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
518392288	Email/Text: mrdiscen@discover.com	Jan 20 2021 22:59:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
518379351	Email/PDF: ais.chase.ebn@americaninfosource.com	Jan 20 2021 22:55:20	Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850
518469253	Email/Text: Bankruptcy.Notices@pnc.com	Jan 20 2021 23:00:00	PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101
518379356	Email/Text: Bankruptcy.Notices@pnc.com	Jan 20 2021 23:00:00	Pnc Mortgage, Attn: Bankruptcy, 3232 Newmark

District/off: 0312-3

User: admin

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Date Rcvd: Jan 20, 2021

Form ID: pdf901

Total Noticed: 30

		Drive, Miamisburg, OH 45342
518502002	+ Email/Text: Bankruptcy.Notices@pnc.com	
	Jan 20 2021 23:00:00	PNC Bank, National Association, Attn: Bankruptcy, P.O. Box 94982, Cleveland, OH 44101-4982
518496936	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	
	Jan 20 2021 22:51:43	Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541
518469941	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	
	Jan 20 2021 22:55:37	Portfolio Recovery Associates, LLC, c/o Capital One Bank (usa), N.a., POB 41067, Norfolk VA 23541
518379357	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	
	Jan 20 2021 22:51:44	Portfolio Recovery, Po Box 41021, Norfolk, VA 23541-1021
518488862	Email/Text: bnc-quantum@quantum3group.com	
	Jan 20 2021 23:01:00	Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
518449505	Email/Text: laura@redbanklaw.com	
	Jan 20 2021 22:59:00	United Teletech Financial Federal Credit Union, C/O McKenna, DuPont, Higgins & Stone, PC, PO Box 610, Red Bank, NJ 07701-0610
518482838	+ Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	
	Jan 20 2021 22:55:56	Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 17		

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
518469257	*P++	PNC BANK RETAIL LENDING, P O BOX 94982, CLEVELAND OH 44101-4982, address filed with court:, PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 22, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 20, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Michael R. DuPont	on behalf of Creditor United Teletech Financial Federal Credit Union dupont@redbanklaw.com john@redbanklaw.com
Nicole Marie Savage	on behalf of Creditor WELLS FARGO BANK N.A. nicole.savage@brockandscott.com
Rebecca Ann Solarz	

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on behalf of Creditor PNC Bank National Association rsolarz@kmlawgroup.com

Scott D. Sherman

on behalf of Debtor Marisa D Kleinot ssherman@minionsherman.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6